

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JESSE GABRIEL HARDER,

Plaintiff,

v.

ORDER

Civil File No. 12-663 (MJD/JJK)

REBECCA ELAINE ROBERTS,

Defendant.

On April 5, 2013, this Court ordered Plaintiff Jesse Gabriel Harder and Defendant Rebecca Elaine Roberts and their counsel to appear before Magistrate Judge Brisbois on Tuesday, April 9, 2013 at 9:30 a.m. for a special settlement conference. Defendant failed to personally appear for the April 9 settlement conference. [Docket No. 32] On April 10, Magistrate Judge Brisbois issued an Order to Show Cause, ordering Defendant to personally appear on Thursday, April 25, 2013, at 9:30 a.m. to show cause why she should not be found in civil contempt of the Court's April 5 Order for failing to appear at the April 9 settlement conference. [Docket No. 33] On April 25, Defendant again failed to personally appear. [Docket No. 35]

On May 17, 2013, Magistrate Judge Brisbois issued a new Order to Show Cause. [Docket No. 37] The Order required Defendant to personally appear before Chief Judge Davis at a date and time to be set and show cause why she should not be judged in civil contempt of both the April 5 and April 10 Orders. On June 4, the Court issued an Order stating that the contempt issue and the summary judgment motions would be addressed on Friday, July 12, 2013, at 9:30 a.m. The Court then moved the hearing on the contempt issue and the summary judgment motions to Monday, July 15, 2013, at 1:30 p.m.

On July 10, counsel for Defendant wrote to the Court to inform the Court that Defendant had been in custody at the Ramsey County Workhouse since June 7, 2013, and would not be released until July 18, 2013. Counsel requested that the July 15 hearing be continued. The Court granted this request and moved the contempt and summary judgment hearings to September 5, 2013.

The Court further ordered the parties to personally appear for a settlement conference on August 13, 2013 at 9:30 a.m. before Magistrate Judge Brisbois. The Court's Order clearly warned Defendant that if she failed to personally appear for the August 13 settlement conference, the Court might impose sanctions for contempt, for the willful abuse of judicial process, and/or under Federal Rule of

Civil Procedure 16(f). [Docket No. 46] The Order informed Defendant that possible sanctions include, but are not limited to, striking Defendant's Answer and entering default judgment, imposing monetary fines, and awarding attorneys' fees and costs. Plaintiff, Plaintiff's counsel, and Defendant's counsel appeared for the August 13 settlement conference. [Docket No. 47] Defendant failed to appear. [Id.]

On August 16, Defendant's counsel wrote to the Court to request that the contempt hearing and summary judgment hearing be rescheduled due to a scheduling conflict for Defendant's counsel. [Docket No. 48] The Court granted that request. [Docket No. 49] Thus, the contempt hearing and the summary judgment hearing are now scheduled for Friday, September 13, 2013, at 9:30 a.m. in Courtroom 15E of the Minneapolis Federal Courthouse.

In order to ensure that the consequences for continually disobeying direct Court orders is clear, the Court again informs the parties that, if Defendant is found in civil contempt, the Court is considering the entire range of available civil contempt consequences, as well as sanctions for the willful abuse of the judicial process, and/or under Federal Rule of Civil Procedure 16(f), including

but not limited to an award of attorneys' fees and costs, monetary fines, and striking Defendant's Answer and entering default judgment against Defendant.

The Court also informs the parties that if Defendant fails to personally appear for the September 13 hearing, the Court may impose sanctions for contempt, for the willful abuse of the judicial process, and/or under Federal Rule of Civil Procedure 16(f). The Court will consider the entire range of legal sanctions. Possible sanctions include, but are not limited to, striking Defendant's Answer and entering of default judgment, monetary fines, and an award of attorneys' fees and costs.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED:

Defendant, Rebecca Elaine Roberts, is hereby ordered to personally appear before Chief Judge Michael J. Davis on Friday, September 13, 2013 at 9:30 a.m. in Courtroom 15E of the Minneapolis Federal Courthouse (300 South Fourth Street, Minneapolis, MN 55415) for the reconvened hearing on the cross-motions for summary judgment and there, prior to the Court taking oral argument on the cross-motions for summary judgment, Defendant shall show cause, if any, before Chief Judge Davis as to why a Contempt of Court Order should not be entered adjudging the Defendant in civil contempt of the Order of April 5th [Docket No. 31], the Order of April 10th

[Docket No. 33], and the Order of July 17 [Docket No. 46] for failure to appear at any of the scheduled hearings.

Dated: August 21, 2013

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court